



Paper No. 10

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COPY MAILED**OCT 31 2001****OFFICE OF PETITIONS**

In re Application of: :
Wheeler, et al. : **DECISION GRANTING STATUS**
Application No. 09/681,530 : **UNDER 37 C.F.R. §1.47(a)**
Filed: 24 April, 2001 :
Attorney Docket No. 800528 :

This is in response to the renewed petition under 37 C.F.R. §1.47(a)¹ filed herein on 18 October, 2001.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declarations/statements of facts of Douglas D. Russell (Registration No. 40,152) establishes that the inventor was mailed the application papers, including the specification, claims and drawings. Petitioner has also submitted a copy of a letter from Mr. Leury refusing to sign papers related to the application. In addition, Petitioner has provided the last known address of the nonsigning inventor and shown that Infoglide Corporation has a proprietary interest in the above-identified application.

This application and papers have been reviewed and found in compliance with 37 C.F.R. 1.47(a). This application is hereby **ACCORDED Rule 1.47(a) status**.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of

¹ The regulations at 37 C.F.R. 1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.


(c) The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

this application will also be published in the Official Gazette.

This file is being forwarded to Technology Center 2100 for further processing.

Telephone inquiries concerning this matter may be directed to Kathy Matecki at (703) 305-1645.



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for Patent Examination Policy